



General Assembly

February Session, 2010

Raised Bill No. 5525

LCO No. 2407

02407_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING PARDONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-130e of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) For the purposes of this section and sections 31-51i and 54-130a:

4 (1) "Barrier" means a denial of employment or a license based on an
5 eligible offender's conviction of a crime without due consideration of
6 whether the nature of the crime bears a direct relationship to such
7 employment or license;

8 (2) "Eligible offender" means a person who has been convicted of a
9 crime or crimes in this state or another jurisdiction and who is a
10 resident of this state and is applying for a provisional pardon or is
11 under the jurisdiction of the Board of Pardons and Paroles;

12 (3) "Employment" means any remunerative work, occupation or
13 vocation or any form of vocational training, but does not include
14 employment with a law enforcement agency;

15 (4) "Forfeiture" means a disqualification or ineligibility for
16 employment or a license by reason of law based on an eligible
17 offender's conviction of a crime;

18 (5) "License" means any license, permit, certificate or registration
19 that is required to be issued by the state or any of its agencies to
20 pursue, practice or engage in an occupation, trade, vocation, profession
21 or business; and

22 (6) "Provisional pardon" means a form of relief from barriers or
23 forfeitures to employment or the issuance of licenses granted to an
24 eligible offender by the Board of Pardons and Paroles pursuant to
25 subsections (b) to (i), inclusive, of this section.

26 (b) The Board of Pardons and Paroles may issue a provisional
27 pardon to relieve an eligible offender of barriers or forfeitures by
28 reason of such person's conviction of the crime or crimes specified in
29 such provisional pardon. Such provisional pardon may be limited to
30 one or more enumerated barriers or forfeitures or may relieve the
31 eligible offender of all barriers and forfeitures. No provisional pardon
32 shall apply or be construed to apply to the right of such person to
33 retain or be eligible for public office.

34 (c) The Board of Pardons and Paroles may, in its discretion, issue a
35 provisional pardon to an eligible offender upon verified application of
36 such person. The board may issue a provisional pardon at any time
37 after the sentencing of an eligible offender.

38 (d) The board shall not issue a provisional pardon unless the board
39 is satisfied that:

40 (1) The person to whom the provisional pardon is to be issued is an
41 eligible offender;

42 (2) The relief to be granted by the provisional pardon may promote
43 the public policy of rehabilitation of ex-offenders through
44 employment; and

45 (3) The relief to be granted by the provisional pardon is consistent
46 with the public interest in public safety and the protection of property.

47 (e) In accordance with the provisions of subsection (d) of this
48 section, the board may limit the applicability of the provisional pardon
49 to specified types of employment or licenses for which the eligible
50 offender is otherwise qualified.

51 (f) The board may, for the purpose of determining whether such
52 provisional pardon should be issued, request its staff to conduct an
53 investigation of the applicant and submit to the board a report of the
54 investigation. Any written report submitted to the board pursuant to
55 this subsection shall be confidential and not disclosed except where
56 required or permitted by any provision of the general statutes or upon
57 specific authorization of the board.

58 (g) If a provisional pardon is issued by the board while an eligible
59 offender is on probation or parole, the provisional pardon shall be
60 deemed to be temporary until the person completes such person's
61 period of probation or parole. During the period that such provisional
62 pardon is temporary, the board may revoke such provisional pardon
63 for violation of the conditions of such person's probation or parole.

64 (h) The board may at any time issue a new provisional pardon to
65 enlarge the relief previously granted, and the provisions of subsections
66 (b) to (f), inclusive, of this section shall apply to the issuance of any
67 new provisional pardon.

68 (i) The application for a provisional pardon, the report of an
69 investigation conducted pursuant to subsection (f) of this section, the
70 provisional pardon and the revocation of a provisional pardon shall be
71 in such form and contain such information as the Board of Pardons
72 and Paroles shall prescribe.

73 (j) A provisional pardon issued by the board to an eligible offender
74 pursuant to this section shall become an absolute pardon by operation

75 of law three years after such issuance, if such provisional pardon was
 76 issued with respect to a conviction of a misdemeanor, and five years
 77 after such issuance, if such provisional pardon was issued with respect
 78 to a conviction of a felony, provided such eligible offender has not
 79 been convicted of any crime during such time period.

80 Sec. 2. Subsection (e) of section 54-130a of the general statutes is
 81 repealed and the following is substituted in lieu thereof (*Effective*
 82 *October 1, 2010*):

83 (e) Whenever the board grants a provisional pardon to any person,
 84 the board shall cause notification of such pardon to be made in writing
 85 to the clerk of the court in which such person was convicted and the
 86 clerk shall cause the sealing of the records of such conviction. The
 87 granting of a provisional pardon does not entitle such person to
 88 erasure of the record of the conviction of the offense or relieve such
 89 person from disclosing the existence of such conviction as may be
 90 required.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	54-130e
Sec. 2	<i>October 1, 2010</i>	54-130a(e)

Statement of Purpose:

To provide that a provisional pardon becomes an absolute pardon after a specified time period if the person is not convicted of another crime during that time period.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]